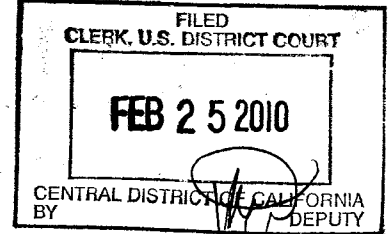


**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

NOTICE OF DOCUMENT DISCREPANCIES



To: ☒ U.S. District Judge / ☐ U.S. Magistrate Judge JVS
 From: T. DeRose, Deputy Clerk Date Received: 2-24-10
 Case No.: SACV 10-14 JVS(ANX) Case Title: Baker V. Fischel et al.
 Document Entitled: Notice of Motion/Ex Parte

Upon the submission of the attached document(s), it was noted that the following discrepancies exist:

- ☐ Local Rule 11-3.1 Document not legible
- ☐ Local Rule 11-3.8 Lacking name, address, phone and facsimile numbers
- ☐ Local Rule 11-4.1 No copy provided for judge
- ☐ Local Rule 19-1 Complaint/Petition includes more than ten (10) Does or fictitiously named parties
- ☐ Local Rule 15-1 Proposed amended pleading not under separate cover
- ☐ Local Rule 11-6 Memorandum/brief exceeds 25 pages
- ☐ Local Rule 11-8 Memorandum/brief exceeding 10 pages shall contain table of contents
- ☐ Local Rule 7.1-1 No Certification of Interested Parties and/or no copies
- ☐ Local Rule 6.1 Written notice of motion lacking or timeliness of notice incorrect
- ☐ Local Rule 56-1 Statement of uncontroverted facts and/or proposed judgment lacking
- ☐ Local Rule 56-2 Statement of genuine issues of material fact lacking
- ☒ Local Rule 7-19.1 Notice to other parties of ex parte application lacking
- ☐ Local Rule 16-6 Pretrial conference order not signed by all counsel
- ☒ FRCvP Rule 5(d) No proof of service attached to document(s)
- ☒ Other: _____

Note: Please refer to the court's Internet website at www.cacd.uscourts.gov for local rules and applicable forms.

ORDER OF THE JUDGE/MAGISTRATE JUDGE

IT IS HEREBY ORDERED:

- ☐ The document is to be filed and processed. The filing date is ORDERED to be the date the document was stamped "received but not filed" with the Clerk. Counsel* is advised that any further failure to comply with the Local Rules may lead to penalties pursuant to Local Rule 83-7.

Date _____

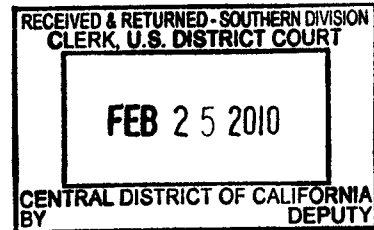
U.S. District Judge / U.S. Magistrate Judge

- ☒ The document is **NOT** to be filed, but instead **REJECTED**, and is ORDERED returned to *counsel. *Counsel shall immediately notify, in writing, all parties previously served with the attached documents that said documents have not been filed with the Court.

Date 2.24.10

[Signature]
U.S. District Judge / U.S. Magistrate Judge

*The term "counsel" as used herein also includes any pro se party. See Local Rule 1-3.



Alexander Collin Baker
Private Attorney General
15911 Valley Wood Road
Sherman Oaks, CA 91403
tel: 818-644-5535
In Pro Per

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
SOUTHERN DIVISION**

Alexander Collin Baker,
And Does 1-10,
Plaintiff,

vs.

Richard J. Fischel MD, Ph.D; Richard J.
Fischel, a Medical Corporation; Glenn
H. Clark; Schmid and Voiles; Steven C.
Glickman; Glickman and Glickman, A
Law Corporation; Tami Smolin; And
Does 1-10,
Defendants.

Case No.: SACV10-14 JVS (ANx)
(Hon. James V. Selna 10-C)

NOTICE OF MOTION;

EX PARTE MOTION TO PROCEED
VIA ELECTRONIC
DOCUMENTATION;

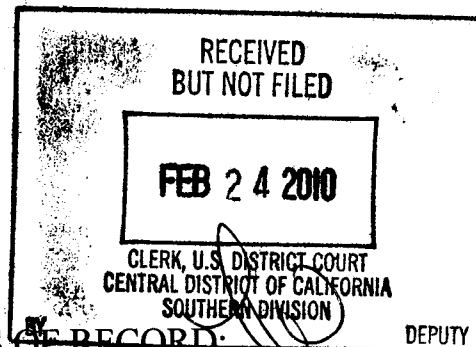
and

MEMORANDUM IN SUPPORT OF
EX PARTE MOTION TO PROCEED
VIA ELECTRONIC
DOCUMENTATION

Date: Ex Parte

Time:

Location: Courtroom 10C



TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that, Pursuant to 42 U.S.C. Chapter 126, The Americans With Disabilities Act, Plaintiff Alexander Collin Baker hereby moves this Court to, ex parte:

1. Instruct the Plaintiff and other parties as to correct procedure for electronic filing and service;
2. Allow the Plaintiff to receive, file and serve all necessary court documents in electronic format, via email;
3. Order all other parties serving documents on the Plaintiff to do so electronically, via email;
4. Allow the Plaintiff to utilize his laptop computer during all personal court appearances

Plaintiff's email address is : alexandercollinbaker@yahoo.com

Electronic filings pursuant to the proposed order shall be in Adobe PDF format, or such other electronic format as the Court specifies.

Dated this 19th day of February, 2010



Alexander Collin Baker

Private Attorney General

15911 Valley Wood Road

Sherman Oaks, 91403

Phone: 818-644-5535

Email: alexandercollinbaker@yahoo.com

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2
3 **FACTUAL BACKGROUND**

4
5 On October 11, 2002, Plaintiff Alexander Collin Baker sustained a profound and
6 permanent injury to his sympathetic nervous system. As a result, he suffers a
7 number of physical and emotional disabilities, among which is anhidrosis from the
8 mid-chest upwards. Anhidrosis is a complete lack of sweating. The extreme,
9 abnormal dryness of Mr. Baker's hands makes handling paper physically painful.

10
11 On or about January 4, 2010, Mr. Baker telephoned the U.S. District Court Clerk,
12 to enquire about electronic filing. The Clerk stated to Mr. Baker that electronic
13 filings were not accepted from pro se litigants.

14
15 **ARGUMENT**

16
17 **Time is of the Essence**

18
19 Justice requires this Motion to be heard ex parte. Various Defense Motions are
20 pending a March 22, 2010 hearing date, and must be opposed. Plaintiff has
21 Motions to file also. Requiring paper filing and service will cause great pain and
22 suffering to the Plaintiff, potentially causing unnecessary delay in filing, thus
23 potentially prejudicing the case. A timely Court Order permitting Electronic Filing
24 for the Plaintiff will prevent this.

Americans With Disabilities Act

The Americans With Disabilities Act provides that public institutions, such as U.S. District Court, shall make "reasonable accommodations" for Americans with disabilities. 42 U.S.C. §12102 provides the definition of disability:

(1) Disability

The term "disability" means, with respect to an individual

(A) a physical or mental impairment that substantially limits one or more major life activities of such individual

Plaintiff asserts that the inability to handle paper without extreme discomfort does substantially limit various major life activities, any activity normally involving the handling of paper, including the prosecution of this action.

Requiring Mr. Baker to process documentation in paper format represents a great hardship; a discrimination against him due to his disability. Such discrimination would serve to prejudice this litigation. Such discrimination is prohibited under The Americans With Disabilities Act. Such discrimination is unnecessary given the electronic alternatives available.

Requiring the other parties to serve court documents on the Plaintiff via email will not represent an undue hardship on the other parties. To the extent that such documents exist as electronic documents originally, compliance with this proposed order may even facilitate process.

Local Rule 7-3

February 22, 2010, shortly after 9:00 am, Plaintiff telephoned Defense counsels Larry Ebiner (for defendants Fischel and Smolin), Bob Dolan (for defendants Clark and Schmid & Voiles) and Byron Hollins (for defendant Glickman); to discuss this Motion and Proposed Order.

February 22, 2010, about 10:20 am, Mr. Hollins returned the call, and asked when the Motion was set for hearing, and the Plaintiff stated that his understanding was that Ex Parte Motions are rarely set for hearings. Mr. Hollins asked when he would be served the Motion, and the Plaintiff indicated later that same afternoon. Mr. Hollins indicated that he would oppose the motion, because it is his policy not to communicate by email, or words to that effect.

As of 1:00 pm, no return call was forthcoming from either Mr. Dolan or Mr. Ebiner.

CONCLUSION

In light of the foregoing, it is respectfully requested that this Court uphold this Motion, instruct the Plaintiff and the other parties on correct procedure for electronic filing, allow the Plaintiff to proceed with electronic filing and service, order the other parties to serve the Plaintiff electronically, via the email address alexandercollinbaker@yahoo.com, and allow the Plaintiff to utilize his laptop computer in the courtroom.

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5 Dated this 19th day of February, 2010

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8 Alexander Collin Baker

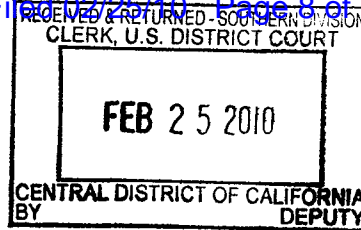
9 Private Attorney General

10 15911 Valley Wood Road

11 Sherman Oaks, 91403

12 Phone: 818-644-5535

13 Email: alexandercollinbaker@yahoo.com
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 Private Attorney General
 15911 Valley Wood Road
 Sherman Oaks, CA 91403
 Phone: 818.644.5535
 Email: alexandercollinbaker@yahoo.com
 In Pro Per

**UNITED STATES DISTRICT COURT
 CENTRAL DISTRICT OF CALIFORNIA
 SOUTHERN DIVISION**

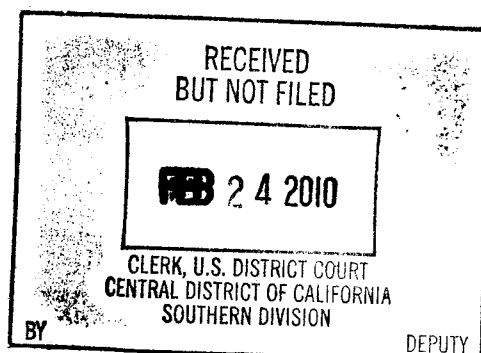
Alexander Collin Baker,
 And Does 1-10,
 Plaintiff,
 vs.

Richard J. Fischel MD, Ph.D; Richard J.
 Fischel, a Medical Corporation; Glenn
 H. Clark; Schmid and Voiles; Steven C.
 Glickman; Glickman and Glickman, A
 Law Corporation; Tami Smolin; And
 Does 1-10,
 Defendants.

Case No.: SACV10-14 JVS (ANx)

(Hon. James V. Selna 10-C)

**[PROPOSED] ORDER GRANTING
 MOTION TO PROCEED VIA
 ELECTRONIC DOCUMENTATION**



1 Having considered Plaintiff's Motion; the Court hereby:

2
3 ORDERS that Plaintiff be allowed to utilize his laptop computer in the courtroom;

4
5 ORDERS that Plaintiff be allowed to file, serve and receive all court documents in
6 electronic format;

7
8 ORDERS that all other parties serving documents on the Plaintiff will do so
9 electronically with email; via the email address alexandercollinbaker@yahoo.com;

10
11 ORDERS that electronic filing and service be done according to these instructions:

12
13 _____
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18

19
20 IT IS SO ORDERED.

21
22
23 Date: _____
24

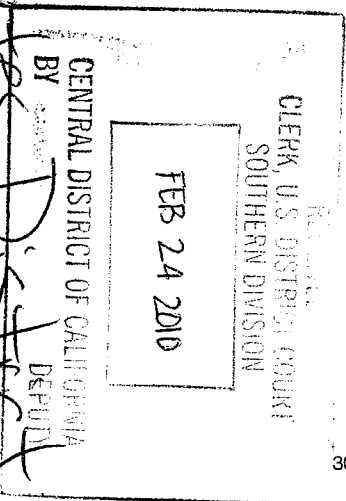
25
26 By: _____

27 (United States District Judge)
28

Baker
15911 Valleywood Pl.
S.O. 91403

United States District Court
Clerk's Office / Records Dept.
411 West Fourth St. Room 1053
Santa Ana, CA 92701-4516

JVS



30384

